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FRANK NGUYEN
1341 Orleans Drive
Sunnyvale, CA 94089

EXAMINER	
SHIFERAW, ELENI A	

ART UNIT	PAPER NUMBER
2136	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/036,128	COLLIER ET AL.	
	Examiner	Art Unit	
	Eleni A Shiferaw	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-71* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-71* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/21/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-71 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 42-43, 45-46, 48-50, 52-53, 55-57, 61, 64-65, 70, and 72 are rejected under 35 U.S.C. 102(a) as being anticipated by Kori (Patent No.: US 2001/0053979 A1).

As per claim 42, Kori teaches a method for accessing material, comprising:

decrypting a secure registry with a registry key (Kori Fig. 13, and page 5 par. 0082);

retrieving another key from said decrypted secure registry (Kori Fig. 13, and page 5 par. 0082); and

decrypting encrypted material using said another key to access said material (Kori Fig. 13, and page 5 par. 0082).

As per claim 43, Kori teaches the method, further comprising receiving said encrypted material as streaming media (Kori page 2 par. 0028, page 5 par. 0082, and par. [0086-0088]).

As per claim 45, Kori teaches the method, wherein said decrypting encrypted material using said another key to access said material, comprises:

decrypting said at least one content key with said another key (Kori page 5 par. 0082); and

decrypting said encrypted material with said at least one content key to access said material (Kori page 5 par. 0082).

As per claims 46, and 53, Kori teaches the method, wherein said another key comprises at least one license key corresponding to a license to use said material (Kori fig. 11: encrypting key).

As per claims 48, and 55, Kori teaches the method, wherein said another key comprises a private key of said recipient of said material (Kori page 5 par. 0081-0082).

As per claims 49 and 56, Kori teaches the method, wherein said decrypting encrypted material using said another key to access said material, comprises:

decrypting said at least one content key with said private key (kori page 5 par. 0081-0082); and

decrypting said encrypted material with said at least one content key to access said material (kori page 5 par. 0081-0082).

As per claim 50, Kori teaches the method, further comprising receiving said encrypted material as a file (Kori page 5 par. 0086-0088).

As per claim 52, Kori teaches the method, wherein said decrypting encrypted material using said another key to access said material, comprises:

decrypting said at least one content key with said another key (Kori page 5 par. 0081-0082); and

decrypting said encrypted material with said at least one content key to access said material (Kori page 5 par. 0081-0082).

As per claim 57, Kori teaches the method, further comprising retrieving said registry key from a replaceable software module (Kori fig. 8 No. 11).

As per claim 61, Kori teaches the method, further comprising retrieving said registry key from binary executable code of a control module (Kori fig. 8, No. 11).

As per claim 64, Kori teaches the method, wherein said reference entity identification is integrated into said binary executable code of said control module along with said registry key (Kori page 5 par. 0081-0082).

As per claim 65, Kori teaches the method, further comprising generating said registry key using a sensed entity identification (Kori fig. 8 No. 11; generating encrypting key using a sensed password).

As per claim 70, Kori teaches the method, wherein said input device is a keyboard (Kori page 2 par. 0028, and fig. 3a & 3b).

As per claim 72, Kori teaches the method, further comprising after said decrypted encrypted material using said another key to access said material:

using said material according to a license stored in said secure registry along with said another key (Kori page 5 par. 0081-0082).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-41, 44, 47, 51, 54, 58-60, 62-63, 66-69, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kori (Patent No.: US 2001/0053979 A1) in view of Novak (Pub. No.: US 2003/0097655 A1).

As per claim 1, Kori teaches an apparatus for accessing material, comprising:

a secure registry encrypted with a registry key (Kori page 2 par. 0034, fig. 3A, and fig. 11; encrypted copyright information) and storing another key useful for decrypting material (Kori Fig. 11; encrypting key); and

a control module configured to decrypt said secure registry using said registry key for retrieval of said another key (Kori Fig. 13, and page 5 par. 0082).

Kori does not explicitly teach user verification or decrypting if a correct entity identification is received.

However Novak discloses authenticating a user identity to decrypt an access key using a license key and decrypting digital content using the decrypted access key (Novak page 10 par. [0144-0147], page 1 par. 0124, page 8 par. 0112, and fig. 11).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the teachings of Novak within the system of Kori because it would enhance security by comparing a unique user identity or a unique serial number of a device with the previously stored to verify a user or a device (Novak page 10 par. [0144-0147], and fig. 7).

As per claims 2 and 7, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said control module receives said material as streaming media, and is further configured to decrypt said material using said another key (Kori page 2 par. 0028, page 5 par. 0082, and par. [0086-0088]).

As per claims 3, 8, and 51 Kori and Novak teach all the subject matter as described above. The apparatus, wherein said streaming media/file is in MPEG-4 format encrypted with at least one

content key, and said control module receives said at least one content key encrypted with said another key (Novak page 4 par. [0058-0059], and fig. 11 No. 1108). The rational for combing are the same as claim 1 above.

As per claims 4, 9, and 44, Kori and Novak teach all the subject matter as described above. The apparatus, wherein said another key comprises at least one license key corresponding to a license to use said material (Kori fig. 11; encrypting key and Novak fig. 4 No. 412). The rational for combining are the same as claim 1 above.

As per claims 5, 10, 47, and 54 Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said streaming media/file is in MPEG-4 format encrypted with at least one content key, and said control module receives said at least one content key encrypted with a public key of said apparatus (Kori page 5 par. 0081).

As per claims 6 and 11, Kori and Novak teach all the subject matter as described above. The apparatus, wherein said another key comprises a private key of said apparatus (Kori page 5 par. [0080-0081], and Novak page 6 par. 0096). The rational for combining are the same as claim 1 above.

As per claim 12 Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said control module includes a control program and a replaceable software module linked to said control program so as to provide said registry key to

said control program (Kori Fig. 8 No. 11).

As per claim 13 Kori and Novak teach all the subject matter as described above. In addition Kori teaches the apparatus, wherein said replaceable software module is a dynamic link library module (Kori page 10 par. 0144; the authentication module is called/separately downloaded when authentication is requested by a user).

As per claim 14, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said replaceable software module provides both a new and old registry key to said control program so that said control program can decrypt said secure registry with said old registry key, encrypt said decrypted secure registry with said new registry key, and replace said secure registry encrypted with said old registry key with said secure registry encrypted with said new registry key (Kori fig. 8 No. 11, and page 5 par. 0081-0082).

As per claim 15, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said replaceable software module has been provided by and linked to said control program by a server (Kori page 2 par. 0028, fig. 11, and Novak page 8 par. 0113).

As per claim 16, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said registry key is integrated into a binary executable code of said control module (Novak page 8 par. [0116-0117]). The rational for combining are the

same as claim 1 above.

As per claim 17, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein a server has provided said control program to said apparatus (Kori page 2 par. 0028 and fig. 11).

As per claim 18, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said control module includes a registry key generator that generates said registry key using a sensed entity identification (Novak page 10 par. [0144-0147], page 1 par. 0124, page 8 par. 0112, and fig. 11). The rational for combining are the same as claim 1 above.

As per claims 19 and 23, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is unique for said apparatus (Novak page 10 par. [0144-0147], page 3 par. 0049, and page 8 par. 0112).

As per claims 20 and 67, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is unique for a hardware device connectable to said apparatus (Novak page 10 par. [0144-0147], page 3 par. 0047 & 0049, and page 8 par. 0112). The rational for combining is the same as claim 1 above.

As per claims 21, 30, and 68, Kori and Novak teach all the subject matter as described above. In

addition, Novak teaches the apparatus, wherein said sensed entity identification is unique for a user of said apparatus (Novak page 8 par. 0112). The rational for combining is the same as claim 1 above.

As per claim 22, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said control module includes a comparison module that determines whether said correct entity identification has been received by comparing a reference entity identification against a sensed entity identification (Novak page 10 par. [0144-0147]; page 1 par. 0124, page 8 par. 0112, and fig. 11). The rational for combining is the same as claim 1 above.

As per claim 24, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a computer identification (Novak page 3 par. 0047 and 0049). The rational for combining is the same as claim 1 above.

As per claim 25, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a network interface card identification (Novak page 3 par. 0049, and page 7 par. 0103). The rational for combining are the same as claim 1 above.

As per claim 26, Kori and Novak teach all the subject matter as described above. In addition,

Novak teaches the apparatus, wherein said sensed entity identification is a hard disk drive identification (Novak page 3 par. 0049, page 5 par. 0077, and page 7 par. 0103). The rational for combining are the same as claim 1 above.

As per claim 27, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is unique for a hardware device connectable to said apparatus (Novak page 3 par. 0049, and page 7 par. 0103). The rational for combining are the same as claim 1 above.

As per claim 28, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a smartcard identification (Novak page 7 par. 0103). The rational for combining are the same as claim 1 above.

As per claim 29, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a content storage unit identification (Novak page 3 par. 0049, and page 7 par. 0103). The rational for combining are the same as claim 1 above.

As per claim 31, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a credit card number (Novak page 3 par. 0049, and page 7 par. 0103). The rational for combining are the same as

claim 1 above.

As per claim 32, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a predefined user identification (Novak page 10 par. [0144-0147], page 1 par. 0124, page 8 par. 0112, and fig. 11). The rational for combining are the same as claim 1 above.

As per claims 33 and 71, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said sensed entity identification is a biometrics based identification (Novak page 7 par. 103 and page 6 par. 0089). The rational for combining are the same as claim 1 above.

As per claim 34, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said biometrics based identification is a fingerprint of said user of said apparatus (Novak page 7 par. 103 and page 6 par. 0089). The rational for combining are the same as claim 1 above.

As per claim 35, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said biometrics based identification is a speech of said user of said apparatus (Novak page 7 par. 103 and page 6 par. 0089; it would have been obvious to one ordinary skill in the art at the time of the invention to modify Novak's fingerprint biometric to speech because speech biometric was well known at the time of the invention was

made). The rational for combining are the same as claim 1 above.

As per claim 36, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein a remote server determines whether said correct entity identification is received (Novak page 1 par. 0024, and fig. 6). The rational for combining are the same as claim 1 above.

As per claim 37, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said control module comprises a processor and a control program running on said processor (Kori fig. 8 No. 11).

As per claim 38, Kori and Novak teach all the subject matter as described above. The apparatus, wherein said control module includes logic circuitry (Kori page 4 par. 0066, and fig. 9, and Novak page 10 par. [0144-0147]). The rational for combining are the same as claim 1 above.

As per claim 39, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the apparatus, wherein said control module is license-enabled to a unique identification of said apparatus (Novak abstract and fig. 4 No. 412). The rational for combining are the same as claim 1 above.

As per claim 40, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said secure registry further stores information related to said

material (Kori fig. 11; audio/video data).

As per claim 41, Kori and Novak teach all the subject matter as described above. In addition, Kori teaches the apparatus, wherein said information related to said material includes usage rights included in a license for said material (Kori fig. 3A, and page 2 par. 0034, and fig. 11).

As per claims 58 and 62, Kori teaches all the subject matter as described above.
Kori does not explicitly teach decrypting if the reference entity identification matches the entity identification.
However Novak teaches the method further comprising prior to said decrypting encrypted material using said another key to access said material:

receiving a sensed entity identification (Novak fig. 6 No. 409); and

comparing a reference entity identification against said sensed entity identification (Novak page 10 par. 0144-0147);

wherein said decrypting encrypted material using said another key to access said material comprises decrypting encrypted material using said another key to access said material only if said reference entity identification matches said sensed entity identification (Novak page 10 par. 0144-0147).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to employ the teachings of Novak within the system of Kori because it would enhance security by comparing a unique user identity or a unique serial number

of a device with the previously stored to verify a user or a device (Novak page 10 par. [0144-0147], and fig. 7).

As per claims 59 and 63, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the method, wherein said reference entity identification is stored in said secure registry along with said another key (Novak page 7 par. 0098, and page 1 par. 0025). The rational for combining are the same as claim 58 above.

As per claim 60, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the method, wherein said reference entity identification is provided by said replaceable software module (Novak and page 1 par. 0025). The rational for combining are the same as claim 58 above.

As per claim 66, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the method, wherein said sensed entity identification is unique to a host (Novak page 3 par. 0049). The rational for combining are the same as claim 58 above.

As per claim 69, Kori and Novak teach all the subject matter as described above. In addition, Novak teaches the method, further comprising receiving said sensed entity identification from information entered into an input device by said user (Novak page 7 par. 0103). The rational for combining are the same as claim 58 above.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eleni Shiferaw
Art Unit 2136
March 31, 2005

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100